

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LIZA MAZUR d/b/a LISA MAZUR DESIGN

Index #06 CV 4278
(Holwell, J.)

Plaintiff,

ANSWER

Jury Trial Demanded

-against-

AMERICAN UNIVERSITY OF ANTIGUA
COLLEGE OF MEDICINE

Defendant.

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Defendant American University of Antigua College of Medicine
hereby responds to plaintiff's complaint herein as follows:

1. Defendant denies the truth of the allegations set forth in the paragraph labeled "1" of the Complaint herein.
2. Defendant denies the truth of the allegations set forth in the paragraph labeled "2" of the Complaint herein.
3. Defendant denies the truth of the allegations set forth in the paragraph labeled "3" of the Complaint herein.
4. Defendant denies the truth of the allegations set forth in the paragraph labeled "4" of the Complaint herein.
5. Defendant lacks knowledge or information sufficient to

form a belief as to the truth of the allegations set forth in the paragraph labeled "5" of the Complaint herein.

6. Defendant admits the truth of the allegations set forth in the paragraph labeled "6" of the Complaint herein.

7. Defendant admits the truth of the allegations set forth in the paragraph labeled "7" of the Complaint herein.

8. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph labeled "8" of the Complaint herein.

9. Defendant denies the truth of the allegations set forth in the paragraph labeled "9" of the Complaint herein.

10. Defendant denies the truth of the allegations set forth in the paragraph labeled "10" of the Complaint herein.

11. Defendant denies the truth of the allegations set forth in the paragraph labeled "11" of the Complaint herein.

12. Defendant denies the truth of the allegations set forth in the paragraph labeled "12" of the Complaint herein.

13. Defendant admits the truth of the allegations set forth in the paragraph labeled "13" of the Complaint herein.

14. Defendant denies the truth of the allegations set forth in the paragraph labeled "14" of the Complaint herein.

15. Defendant denies the truth of the allegations set forth in the paragraph labeled "15" of the Complaint herein.

16. Defendant denies the truth of the allegations set forth in the paragraph labeled "16" of the Complaint herein.

17. Defendant denies the truth of the allegations set forth in the paragraph labeled "17" of the Complaint herein.

18. Defendant denies the truth of the allegations set forth in the paragraph labeled "18" of the Complaint herein.

19. Defendant denies the truth of the allegations set forth in the paragraph labeled "19" of the Complaint herein.

20. Defendant denies the truth of the allegations set forth in the paragraph labeled "20" of the Complaint herein.

21. Defendant denies the truth of the allegations set forth in the paragraph labeled "21" of the Complaint herein.

22. Defendant denies the truth of the allegations set forth in the paragraph labeled "22" of the Complaint herein.

23. Defendant denies the truth of the allegations set forth in the paragraph labeled "23" of the Complaint herein.

24. Defendant denies the truth of the allegations set forth in the paragraph labeled "24" of the Complaint herein.

25. Defendant denies the truth of the allegations set forth in the paragraph labeled "25" of the Complaint herein.

26. Defendant repeats, realleges and reiterates each and all of its responses herein to the allegations set forth in the paragraphs labeled "1" through "25" of plaintiff's Complaint with the same force and effect as if they were each and all set forth fully hereinafter.

27. Defendant denies the truth of the allegations set forth in the paragraph labeled "27" of the Complaint herein.

28. Defendant denies the truth of the allegations set forth in the paragraph labeled "28" of the Complaint herein.

29. Defendant denies the truth of the allegations set forth in the paragraph labeled "29" of the Complaint herein.

30. Defendant denies the truth of the allegations set forth in the paragraph labeled "30" of the Complaint herein.

31. Defendant repeats, realleges and reiterates each and all of its responses herein to the allegations set forth in the paragraphs labeled "1" through "30" of plaintiff's Complaint with the same force and effect as if they were each and all set forth fully hereinafter.

32. Defendant denies the truth of the allegations set forth in the paragraph labeled "32" of the Complaint herein.

33. Defendant denies the truth of the allegations set forth in the paragraph labeled "33" of the Complaint herein.

34. Defendant denies the truth of the allegations set forth in the paragraph labeled "34" of the Complaint herein.

35. Defendant denies the truth of the allegations set forth in the paragraph labeled "35" of the Complaint herein.

36. Defendant denies the truth of the allegations set forth in the paragraph labeled "36" of the Complaint herein.

37. Defendant repeats, realleges and reiterates each and all of its responses herein to the allegations set forth in the paragraphs labeled "1" through "36" of plaintiff's Complaint with the same force and effect as if they were each and all set forth fully hereinafter.

38. Defendant denies the truth of the allegations set forth in the paragraph labeled "37" of the Complaint herein.

39. Defendant denies the truth of the allegations set forth in the paragraph labeled "39" of the Complaint herein.

40. Defendant denies the truth of the allegations set forth in the paragraph labeled "40" of the Complaint herein.

41. Defendant repeats, realleges and reiterates each and all of its responses herein to the allegations set forth in the paragraphs labeled "1" through "40" of plaintiff's Complaint with the same force and effect as if they were each and all set forth

fully hereinafter.

42. Defendant denies the truth of the allegations set forth in the paragraph labeled "42" of the Complaint herein.

43. Defendant denies the truth of the allegations set forth in the paragraph labeled "43" of the Complaint herein.

44. Defendant denies the truth of the allegations set forth in the paragraph labeled "44" of the Complaint herein.

45. Defendant repeats, realleges and reiterates each and all of its responses herein to the allegations set forth in the paragraphs labeled "1" through "44" of plaintiff's Complaint with the same force and effect as if they were each and all set forth fully hereinafter.

46. Defendant denies the truth of the allegations set forth in the paragraph labeled "46" of the Complaint herein.

47. Defendant denies the truth of the allegations set forth in the paragraph labeled "47" of the Complaint herein.

48. Defendant denies the truth of the allegations set forth

in the paragraph labeled "48" of the Complaint herein.

49. Defendant denies the truth of the allegations set forth in the paragraph labeled "49" of the Complaint herein.

50. Defendant denies the truth of the allegations set forth in the paragraph labeled "50" of the Complaint herein.

51. Defendant denies the truth of the allegations set forth in the paragraph labeled "51" of the Complaint herein.

52. Defendant denies the truth of the allegations set forth in the paragraph labeled "52" of the Complaint herein.

53. Defendant denies the truth of the allegations set forth in the paragraph labeled "53" of the Complaint herein.

54. Defendant repeats, realleges and reiterates each and all of its responses herein to the allegations set forth in the paragraphs labeled "1" through "53" of plaintiff's Complaint with the same force and effect as if they were each and all set forth fully hereinafter.

55. Defendant admits the truth of the allegations set forth in the paragraph labeled "55" of the Complaint herein.

56. Defendant admits the truth of the allegations set forth in the paragraph labeled "56" of the Complaint herein.

57. Defendant denies the truth of the allegations set forth in the paragraph labeled "57" of the Complaint herein.

58. Defendant denies the truth of the allegations set forth in the paragraph labeled "58" of the Complaint herein.

59. Defendant denies the truth of the allegations set forth in the paragraph labeled "59" of the Complaint herein.

60. Defendant denies the truth of the allegations set forth in the paragraph labeled "60" of the Complaint herein.

61. Defendant repeats, realleges and reiterates each and all of its responses herein to the allegations set forth in the paragraphs labeled "1" through "60" of plaintiff's Complaint with the same force and effect as if they were each and all set forth fully hereinafter.

62. Defendant denies the truth of the allegations set forth in the paragraph labeled "62" of the Complaint herein.

63. Defendant denies the truth of the allegations set forth in the paragraph labeled "63" of the Complaint herein.

64. Defendant denies the truth of the allegations set forth in the paragraph labeled "64" of the Complaint herein.

65. Defendant denies the truth of the allegations set forth in the paragraph labeled "65" of the Complaint herein.

66. Defendant denies the truth of the allegations set forth in the paragraph labeled "66" of the Complaint herein.

AS AND FOR A FIRST DEFENSE

67. Plaintiff's registered copyrights are invalid and/or enforceable.

AS AND FOR A SECOND DEFENSE

68. Plaintiff is not the author of the copyrighted materials.

AS AND FOR A THIRD DEFENSE

69. Plaintiff's claims for quantum merit must be dismissed inasmuch as plaintiff claims the existence of a contract covering the subject matter of the claims.

AS AND FOR A FOURTH DEFENSE

70. At all times, plaintiff expressly agreed that defendant would have the right own and use whatever works, materials and/or designs that plaintiff provided to defendant.

AS AND FOR A FIFTH DEFENSE

71. Defendant is the co-author of the works that are the subject of plaintiff's suit and is entitled to all of the rights associated therewith, including copyrights and the rights to ownership, use, enjoyment, reproduction publishing and distribution of said works, materials and designs and any derivative thereof.

AS AND FOR A SIXTH DEFENSE

72. At all times material herein, defendant has and owned and owns license to use, copy, distribute and publish any and all of the works, materials and designs provided by plaintiff in their original forms and/or in derivative forms.

AS AND FOR A EIGHTH DEFENSE

73. Payment.

AS AND FOR A EIGHTH DEFENSE

74. Plaintiff has unclean hands and, accordingly, is not entitled to any equitable relief.

AS AND FOR A NINTH DEFENSE

75. This Court lacks jurisdiction over the subject matter of this action.

WHEREFORE, defendant demands judgment in its favor dismissing the complaint herein and awarding to it its costs, disbursements and attorneys fees incurred in connection the

defense of this matter together with such other and further relief as this Court deems just, proper and equitable.

DATED: July 6, 2006
New York, New York

LEONARD A. SCLAFANI, P.C.
Attorneys for Defendant
18 East 41st Street -Ste 1500
New York, New York 10017

By: Leonard A. Sclafani (8306)

Leonard A. Sclafani, attorney for defendant hereby affirms, under the penalty of perjury, as follows:

On July 7, 2006 I caused to be served the within **ANSWER** by depositing a true copy thereof enclosed in a post paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

TO: Frank J. Martinez
THE MARTINEZ GROUP PLLC
Attorneys for Plaintiff
55 Poplar Street-Suite 1-D
Brooklyn Heights, NY 11201

Leonard A. Sclafani (8306)